

REGULAR MEETING of the Burrillville Town Council held Wednesday, April 11, 2012 at 7:00 P.M. in the Town Council Chambers, 105 Harrisville Main Street, Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson

MEMBERS ABSENT: None

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

2. VOTED to continue acceptance of the minutes of the regular meeting held March 28, 2012 to a future meeting.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

3. Public Comment

George Ptaszek of Eastern Avenue commenting on his experience of

the Citizens' Police Academy, commending the Burrillville Police Department on the program.

4. General Good and Welfare of the Town of Burrillville

Councilor Margaret L. Dudley commented on upcoming events sponsored by the Friends of the Library, including a Coffeehouse on April 20, 2012, a book sale on April 28, 2012 and the concerts on the Riverwalk which will be scheduled during the summer.

Councilor Margaret L. Dudley announced the April 26, 2012 deadline for the Ocean State Power Scholarship.

Councilor Kevin D. Heitke noted that the application for the Ocean State Power scholarship, as well as those for the Burrillville Lion's Club, Zahn Family Burrillville Community Service and the Norman H. Mainville Memorial Scholarships, is available on the town website.

Councilor Edward J. Blanchard urged fire safety, particularly during the upcoming school vacation.

Councilor Stephen N. Rawson commented on Burrillville's participation in the single stream recycling pilot program. Michael C. Wood, Town Manager, discussed the program.

Michael C. Wood, Town Manager, reviewed the Downtown Pascoag

Rehabilitation project.

Council President Nancy F. Binns commented on Renegade 154 fundraising efforts.

Council President Nancy F. Binns reviewed upcoming events scheduled at The Assembly, encouraging people to visit the website for schedules.

5. Petitions: None

6. Special Business:

12-103 VOTED to adopt a proclamation recognizing the 100th Anniversary of Harrisville Hose Company No. 1, as follows:

Burrillville Town Council

Resolution

Whereas, the Harrisville Fire District established Hose Company No. 1 for the purpose of providing fire protection to the residents of Harrisville on February 15, 1912; and

Whereas, Harrisville Hose No. 1 is located in the heart of the Town of Burrillville and proudly serves the historic villages of Harrisville and a

portion of Glendale in northwest Rhode Island; and

Whereas, the Harrisville Hose Company also represents a social aspect of the Fire Department, supporting various community activities within the Town of Burrillville and the village of Harrisville; and

Whereas, Charter members of the Harrisville Hose Company No. 1 included:

Chief Peter McDermott

Captain Roswell F. Brooks, Jr.

Walter Ballou Olney Ballou Jesse L. Breault, Sr.

Arthur Carey J. Charles Comtois Clarence Cook

Albert Counter Peter Crouteau Napoleon Demarse

Leon Dinges Edward Dwire James Fagan

George Fisher Oliver Garceau Emery Gauvin

Fred Hargreaves Edward Honan John LeBlanc

Alfred H. Lees, Sr. J. Clinton Mathewson Henry Morrissey

Daniel W. Mowry Frederick Sherman J. George Pichie

Adolph Plouffe Thomas Powell Lawson Putnam

Edward Reynolds Thomas F. Rielly William F. Riley

John E. Rivers J. Leo Smith Levi St. Amant

Whereas, Harrisville Hose No. 1 is currently composed of approximately 40 volunteer firefighters, 22 of whom are EMTs, and six junior firefighters; and

Whereas, the mission of the Harrisville Hose Company No 1 is to

provide the highest standards of emergency services to all in need and continue its partnership with the community by remaining Loyal to our Duty; and

Whereas, the entire Town of Burrillville, and particularly the District of Harrisville, have been direct beneficiaries of the 100 year tradition; and

Whereas, it is a celebration of 100 years of dedication that challenges the employees and volunteers of the Hose Company to continue to provide excellent services to the townspeople they serve.

NOW THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby recognize 100 years of dedicated and loyal service by members of Harrisville Hose No. 1 and congratulate past and present members on the event of their 100th anniversary.

Passed as a Resolution of the Burrillville Town Council this 11th day of April 2012

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: Deputy Chief Michael E. Gingell, who was present at the meeting, was recognized.

7. Public Hearings: None

8. Unfinished Business:

12-067 VOTED to open the correspondence from Councilor Stephen N. Rawson regarding his proposal for a local bond issue for the November 2012 ballot.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: Councilor Stephen N. Rawson reviewed the proposal to include a local bond issue referenda on the November 2012 ballot. Councilor Rawson reiterated that the question would ask voter permission to post bond, but that the Town Council could decide whether or not to move forward. The matter was discussed.

VOTED that we contact our legislative representation to ask them for permission to put a bond for open space, recreation, farmland protection and green energy alternatives on the November ballot for an amount of 1.5 million; and not to exceed the authority for six years.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Edward J. Blanchard. The motion carried, five in favor, one opposed, one abstention. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Kevin D. Heitke and Stephen N. Rawson. Councilor Margaret L. Dudley voted in opposition. Councilor David J. Place abstained.

9. New Business:

12-104 Correspondence from Jeff McCormick, Director of Public Works and Engineering Services regarding awarding of bids. Note: funding source for each project is from previously appropriated CIP budget.

VOTED to award bid #12-008, Lapham Farm Road, Roadway Reclamation and Resurfacing Project, to the low bidder, D'Ambra Construction Co. Inc. in the amount of \$433,954.22 plus a contingency of five percent (5%) of \$21,697.71 (total \$455,651.93).

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to open the motion to award the bid for fabrication of the galvanized steel option of a culvert trash rack to Tower Construction Corporation in the amount of \$7,900.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: The purpose of the grate, to be placed at Harrisville Main Street, was reviewed.

VOTED to award the bid for fabrication of the galvanized steel option of a culvert trash rack to Tower Construction Corporation in the amount of \$7,900.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to award the bid for the installation of bituminous concrete pavement to the low bidder, All States Asphalt, Inc. for Surface Course at \$69.75 per ton and Binder Course at \$68.25 per ton and a

Liquid Asphalt base price of \$605.00 per ton.

Motion by Councilor Margaret L. Dudley.

Discussion: The purpose of awarding bids for annual construction was discussed.

Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to award the bid for full depth reclamation work to Murray Paving & Reclamation in the amount of \$1.87 per square yard.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to award the bid for granite curb installation to International Paving Corp at \$20.00 per linear foot to remove and re-install, \$7.00 per linear foot for disposal and \$27.00 per foot for new installation.

Motion by Councilor Wallace F. Lees. Seconded by Councilor

Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to award the bid for pre-cast concrete curb installation to International Paving Corp. at \$15 per linear foot to remove and re-install, \$7.00 per linear foot for disposal and \$19.50 per foot for new installation.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to award the bid for future concrete sidewalk installation to Louis Calcagni and Sons for \$11.00 per square yard for removal and disposal and \$320 per cubic yard for installation.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12-105 VOTED to refer to the Screening Subcommittee the

applications for reappointment from Sandra R. Cooney of the Zoning Board, Arthur R. Hurley and John F. Pacheco III of the Budget Board and Jeffrey Presbrey of the Planning Board; and from Arthur R. Hurley for appointment to the Narcotics Guidance Council.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Legislation:

12-106 VOTED to open a motion to adopt a resolution requesting amendment to RIGL §44-5 Levy and Assessment of Local Taxes.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to adopt the resolution, as follows:

Burrillville Town Council

Resolution

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby respectfully request that §44-5 entitled “Levy and Assessment of Local Taxes” be amended by adding the following:

§44-5-31.1. Notwithstanding any provision contained in Section 9-21-10, in any tax assessment appeal or civil action brought pursuant to the applicable provisions of Title 44 Chapter 5 in which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the clerk of the court to the amount of damages interest at the rate of six percent (6%) per annum thereon from the date the cause of action accrued, which shall be included in the judgment entered therein. Post judgment interest shall be calculated at the rate of six percent (6%) per annum and accrue on both the principal amount of the judgment and the prejudgment interest entered therein. This section shall not apply until entry of judgment.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, do respectfully request that our legislative delegation support passage of these amendments.

This act shall take effect upon passage.

PASSED AS A RESOLUTION of the Burrillville Town Council this 11th day of April 2012

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12-107 VOTED to receive and file requests for support of resolutions:

A) Cumberland School Committee SC-R-2012-03, in support of a June 1 layoff notice date

B) Cumberland School Committee SC-R-2012-04, opposing binding arbitration

C) Cumberland School Committee SC-R-2012-05 opposing 2012 – H 7250 and 2012 S 2532, contract continuation

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: Councilor David J. Place suggested adopting a policy to automatically receive and file all requests for support of legislation on which the Burrillville Town Council had previously taken a position. Council President Nancy F. Binns indicated that consideration of

such a policy could be included on a future agenda if the Council desired.

VOTED to receive and file requests for support of resolutions:

D) East Greenwich School Committee relative to contract continuation

E) East Greenwich School Committee relative to binding arbitration

F) Narragansett Town Council opposing 2012 – H 7250, teacher contract continuation

G) Narragansett Town Council opposing 2012 – H 7617, school employee arbitration

H) Narragansett Town Council opposing 2012 – H 7618 and 7619, relating to labor and labor relations

I) Narragansett Town Council opposing 2012 – H 7620, municipal employee arbitration

J) Glocester Town Council opposing 2012 – H 7617, school employee arbitration

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12-108 VOTED to receive and file the Council 94, Local 186 contract

wage schedule which corrects typographic errors included on the original schedule.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12-109 VOTED to open a motion that \$1,302,102 be transferred into the FYE 2012 budget capital improvement accounts via a transfer from the Town's Unassigned Fund Balance (formerly Unreserved, Undesignated General Fund Balance) for the following purposes:

2011 CIP Remaining Balance Carry forward \$474,602

2012-2013 Revaluation Project 262,500

Universal roll out carts 565,000

Total \$1,302,102

Note: the transfer of these funds requires the affirmative vote of six (6) Council members due to the appropriation of funds from the Unreserved, Undesignated General Fund Balance (Town Charter §3.14(j)).

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kevin D. Heitke. The motion was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: There was discussion that the bid for universal roll out carts, required if the town were to move to automated rubbish and recycling, had not been decided, but would be considered at a future meeting.

MOTION that \$1,302,102 be transferred into the FYE 2012 budget capital improvement accounts via a transfer from the Town's Unassigned Fund Balance (formerly Unreserved, Undesignated General Fund Balance) for the following purposes:

2011 CIP Remaining Balance Carry forward \$474,602
2012-2013 Revaluation Project 262,500
Universal roll out carts 565,000
Total \$1,302,102

Note: the transfer of these funds requires the affirmative vote of six (6) Council members due to the appropriation of funds from the Unreserved, Undesignated General Fund Balance (Town Charter §3.14(j)).

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Wallace F. Lees. The motion failed, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns, Councilors

Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley and Kevin D. Heitke. Councilors David J. Place and Stephen N. Rawson voted in opposition.

MOTION to transfer \$262,500 into the FY2012 budget capital improvement account via transfer from the town's undesignated fund balance for the following purpose, again, the revaluation project.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The motion failed, three in favor, four opposed. Voting in favor of the motion were Councilors Edward J. Blanchard, Margaret L. Dudley and David J. Place. Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin D. Heitke and Stephen N. Rawson voted in opposition.

MOTION that we move \$827,500, to be transferred FY2012 capital budget improvement via transfer to the town's unassigned fund balance for the following purposes:

2012-2013 Revaluation Project 262,500

Universal roll out carts 565,000

Total \$827,500

and not authorizing the transfer of the carry over of the remaining balance carry forward at this time.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor

David J. Place.

Discussion: The carry forward was discussed.

The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place voted in opposition.

MOTION that we transfer \$474,602, the 2011 CIP remaining balance carry forward.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The motion failed, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley and Kevin D. Heitke. Councilors Stephen N. Rawson and David J. Place voted in opposition.

12-110 VOTED to open the correspondence from John P. Mainville, Finance Director, regarding his recommendation that the Town Administration be authorized to seek State approval to exceed the 4.00% cap on tax levy for FYE2013.

Motion by Councilor Wallace F. Lees. Seconded by Councilor

Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: The Town Council reviewed the impact of the revenue differences of the former payment in lieu of taxes (PILOT) program as compared to the present schedule of tax payments by TransCanada – Ocean State Power facility. The budget schedule was discussed.

VOTED that the Town Administration be authorized to seek State approval to exceed the 4.00 percent cap on tax levy for FYE 2013.

Note: Per RIGL §44-5-2(e), this vote requests a 4/5th majority of the Town Council to pass.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place voted in opposition.

10. Town Clerk/Communication:

12-111 State of Rhode Island, Department of Environmental

Management:

VOTED to receive and file the 2012 parkland acquisition grant award for acquisition of land adjacent to Spring Lake Beach in the amount of \$45,500.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to receive and file the 2012 local recreation grant award for skateboard and passive park development in the amount of \$61,834.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12-112 VOTED to receive with thanks and file the correspondence Dale S. Holberton, CMC, regarding South Kingstown Council support of 2012 – H 7561, an act related to elections that would provide for the use of post office boxes.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12-113 VOTED to receive and file a copy of the recorded Conservation Easement (Book 795, Page 1).

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11. Additional New Business:

12-114 VOTED to grant the request for executive session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [§42-46-5 (a)(2)] for discussions relating to collective bargaining for the Fraternal Order of Police agreement and [§42-46-5 (a)(5)] for review, discussion and considerations related to the acquisition, sale and exchange of real property (Map 159, Lot 003, Mitchell).

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward

J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

There was a recess before Executive Session.

The Town Council returned to open session at 8:53 P.M.

VOTED to seal the minutes of executive session, noting that two votes had been taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12. VOTED to adjourn at 8:54 P.M.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk